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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON AT YAKIMA**

LORI EICHLER, an unmarried  
individual, for herself and as Legal  
Guardian of RYDER  
THALHEIMER, an adult individual  
with diminished capacity;

*Plaintiffs,*

*v.*

UNITED STATES  
TRANSPORTATION SECURITY  
ADMINISTRATION; MARCIA  
CATES-WRIGHT, an individual;

*Defendants.*

No. \_\_\_\_\_

**COMPLAINT FOR  
DISCRIMINATION  
& OTHER DAMAGES**

**I. INTRODUCTION & REQUESTED RELIEF**

1. They are questions every parent dreads: *what do I tell my hungry child if I cannot provide them with food? And how do I explain that the people who are supposed to protect them have instead singled them out for humiliation?*

2. Those are the circumstances Plaintiff Lori Eichler faced while

1 traveling with her chronically disabled son Ryder Thalheimer.  
2 Ryder has cerebral palsy and can only eat liquid food through a  
3 feeding tube.

4 **3.** In May of 2021, Ryder and Lori were traveling from Yakima to  
5 Ohio to receive therapy for Ryder's cerebral palsy.

6 **4.** Despite her careful planning, Lori was denied a reasonable  
7 accommodation by a Transportation Security Officer (TSO) at the  
8 Yakima Air Terminal. The TSO required the chronically disabled  
9 Ryder to travel a full day without food by refusing to allow Lori to  
10 bring his medically specialized liquid food through airport security.

11 **5.** The TSO further subjected Ryder to humiliation and  
12 embarrassment by conducting a "pat-down" which resulted in him  
13 being inappropriately exposed in public.

14 **6.** Lori brings this lawsuit against the Transportation Security  
15 Administration and the individual screening agent for violating  
16 Ryder's civil rights under federal anti-discrimination law, and for  
17 damages that resulted from the agent's intentional infliction of  
18 emotional distress on Lori and Ryder.

## 19 **II. PARTIES**

20 **7. Plaintiff Lori Eichler.** Lori Eichler is an individual and the mother  
21 and legal guardian of Plaintiff Ryder Thalheimer. She resides in  
22

1 Yakima County, Washington, and is a citizen of Washington.

2 **8. Plaintiff Ryder Thalheimer.** Ryder Thalheimer is an adult  
3 individual with diminished capacity. He is subject to a guardianship  
4 established under Yakima County cause number 22-4-00446-39.  
5 His court appointed legal guardian is his mother, Lori Eichler. He  
6 is a citizen of Washington.

7 **9. Defendant Transportation Security Administration.** The  
8 Transportation Security Administration (“TSA”) is a federal  
9 governmental agency, operating as a division of the United States  
10 Department of Homeland Security. The TSA is headquartered in  
11 Springfield, Virginia. At all times relevant to this lawsuit, the TSA  
12 employed Defendant Marcia Cates-Wright as a Transportation  
13 Screening Officer (“TSO”), and was responsible for her actions  
14 while on she was on duty.

15 **10. Defendant Marcia Cates-Wright.** On information and belief,  
16 Plaintiffs allege Marcia Cates-Wright is an individual of unknown  
17 marital status residing in Yakima County, Washington. On  
18 information and belief, Plaintiffs further allege she is a citizen of  
19 Washington, and was a TSA employee at all times relevant to this  
20 lawsuit.

### III. JURISDICTION & VENUE

**11. Subject Matter Jurisdiction—Federal Cause of Action.** This

Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331, as this lawsuit invokes causes of action created by federal statutes.

These include (but are not limited to) the Section 504 of Rehabilitation Act (29 U.S.C. § 794, *et seq.*), and related federal regulations.

**12. Subject Matter Jurisdiction—Federal Agency.** This Court also

has subject matter jurisdiction pursuant to 28 U.S.C. § 1346, as a federal agency of the United States is a defendant in this lawsuit.

**13. Subject Matter Jurisdiction—Pre-Suit Requirements.** Plaintiffs

have complied with and fulfilled all administrative prerequisites and pre-suit requirements necessary to file this lawsuit.

**14. Personal Jurisdiction—Defendant Cates-Wright.** This Court has

personal jurisdiction over Defendant Cates-Wright because (Plaintiffs allege on information and belief that) Defendant Cates-Wright is a citizen of Washington residing in Yakima County.

**15. Personal Jurisdiction—Transportation Security Administration.**

This Court has personal jurisdiction over the TSA because it is an agency of the United States Government.

**16. Propriety of Venue.** This Court (U.S. District Court for the Eastern

1 District of Washington at Yakima) is the proper venue pursuant to  
2 28 U.S.C. § 1391(b)(1), as at least one defendant resides within this  
3 judicial district. Venue is also proper under 28 U.S.C. § 1391(b)(2),  
4 as a substantial part of the events or omissions giving rise to these  
5 claims occurred within this judicial district.

#### 6 IV. FACTS

7 **17.** Ryder Thalheimer was born in 2004 with cerebral palsy. As a result  
8 of disorder, He has several severe physical and cognitive disabilities  
9 that affect his daily life in significant ways.

10 **18.** Ryder's condition severely affects his ability to control his body. He  
11 relies on a wheelchair to move around. He is not able to verbalize  
12 his needs. He requires help with using the restroom. He even  
13 requires special blended food that is fed to him through a tube.

14 **19.** Though he is legally an adult, Ryder is completely dependent on his  
15 mother, Lori Eichler, for support in his daily life. Lori was  
16 appointed as Ryder's legal guardian by the Yakima County  
17 Superior Court in 2022.

18 **20.** Ryder is visibly disabled—especially in his wheelchair—such that it  
19 is readily apparent to any person interacting with him that he suffers  
20 from several physical and cognitive impairments.

1     **21.** The photograph below accurately depicts Ryder as he appears in  
2     public when in his wheel chair.



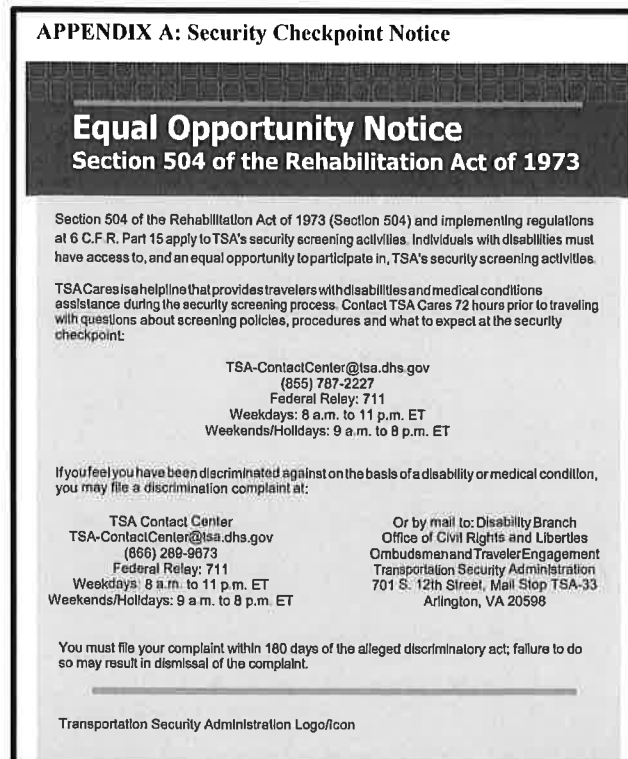


22. Ryder has undergone specialized therapy treatments for his disabilities in Ohio. Because he lives in Yakima, Ryder and Lori traveled by air to Ohio. On each trip before May 2021, Ryder began his air travel in Seattle.

23. Because Ryder is a disabled individual, he is entitled to reasonable accommodations under the Section 504 of the federal Rehabilitation Act of 1973 and its implementing regulations.

24. TSA, as a federal executive branch agency receiving federal funds, is subject to the Rehabilitation Act requirements when conducting its activities, including operating security screening lines at airports.

25. The screenshot below accurately depicts the TSA's "Equal Opportunity Notice," as published in its 2019 disability access plan:



1     **26.** The TSA requires its “Equal Opportunity Notice” to be publicly  
2     posted and displayed at all TSA airport screening checkpoints.

3     **27.** On each trip before May 2021, the TSA allowed Ryder to bring his  
4     special blended food through airport security so he could eat during  
5     a full day of travel.

6     **28.** In May of 2021, Ryder was scheduled to again travel from  
7     Washington to Ohio for specialized therapy treatments. However,  
8     on this occasion, instead of starting their air travel from SeaTac  
9     Airport outside Seattle, Lori and Ryder opted to fly from the  
10    Yakima Air Terminal to SeaTac, where they would catch a  
11    connecting flight to Ohio. The trip was expected to take a full day.

12   **29.** On May 30, 2021 Lori and Ryder arrived at the Yakima Air  
13    Terminal. Lori and Ryder had a full day of travel, starting early  
14    hours of the morning. Their flight itinerary began in Yakima and  
15    included a transfer in Seattle.

16   **30.** Because they would be traveling all day, Lori contacted their carrier  
17    (Alaska Airlines) to ensure the trip would go smoothly and Ryder  
18    would be properly accommodated.

19   **31.** Of particular concern to Lori was ensuring that Ryder’s specialized  
20    liquid food for his feeding tube would be allowed through airport  
21    security. The agent at Alaska Airlines assured Lori it would be fine.



1     **32.** Upon arriving at the airport, Lori and Ryder attempted to go  
2     through the security screening stated operated by the TSA. As  
3     always, Ryder was using a wheel chair that day to move through  
4     the airport safely. The pair carried Ryder's specialized liquid food  
5     for use with his feeding tube so that Ryder could eat during the long  
6     day of travel.

7     **33.** At the TSA screening station, Lori learned that Ryder had been  
8     selected for additional screening. TSO Marcia Cates-Wright (a TSA  
9     employee) handled the screening.

10    **34.** When TSO Cates-Wright found Ryder's specialized liquid food, she  
11    insisted that it could not come through the checkpoint. Lori  
12    explained that was medically specialized and necessary given  
13    Ryder's condition. Lori also explained that Ryder would not be able  
14    to eat at all if they could not bring the food with them.

15    **35.** TSO Cates-Wright refused to make an accommodation or work  
16    collaboratively with Lori, and insisted the food could not come past  
17    the screening station. An argument between Lori—who was  
18    advocating for her disabled child—and TSO Cates-Wright ensued,  
19    and resulted in TSO Cates-Wright calling the Yakima Police  
20    Department.

21    **36.** At the insistence of TSO Cates-Wright, Lori and Ryder were not  
22

1 allowed to bring Ryder's medically specialized liquid food with. At  
2 one point, TSO Cates-Wright got on the phone and claimed that the  
3 decision was "Seattle's call." Plaintiff alleges, on information and  
4 belief, that Cates-Wright was referring to some type of TSA  
5 supervisory office in Seattle.

6 **37.** Despite Ryder's condition, TSO Cates-Wright demanded that  
7 Ryder be made to stand up so he could be patted-down before he  
8 could pass through the screening area. Because of TSO Cates-  
9 Wright's callous insistence that Ryder stand up to be "patted  
10 down," Ryder's pants fell down, exposing him to onlookers.

11 **38.** Ryder was the only person singled out for a "pat down" search.

12 **39.** TSO Cates-Wright's actions (and refusal to accommodate Ryder's  
13 disability in any way) severely delayed Lori and Ryder. Thankfully,  
14 Alaska Airlines kindly held their flight so they could begin their  
15 journey to Ohio for Ryder's therapy.

16 **40.** During their layover in Seattle, Lori spoke with the TSA office at  
17 SeaTac airport. TSA employees at that office stated they had not  
18 required TSO Cates-Wright to prevent the medically specialized  
19 liquid food from passing through security.

20 **41.** Rather, the TSA employees explained that TSO Cates-Wright had  
21 acted wrongfully.  
22

1   **42.** Because TSO Cates-Wright prevented Lori and Ryder from  
2       bringing Ryder's medically specialized liquid food with him, Ryder  
3       had no access to food for the entire day.

4   **43.** To prevent her chronically disabled son from becoming further  
5       distressed, Lori also did not eat. Lori fasted all day so Ryder would  
6       not have to watch her eat while he could not.

7   **44.** These actions caused Ryder—who suffers from severe cognitive  
8       impairments—and Lori, as his mother who was traveling with him,  
9       to suffer severe emotional distress.

10   **45.** Defendants' actions against Lori and Ryder were indecent,  
11       inhumane, cruel, discriminatory, unnecessary, and illegal.

12                                   **V.   LEGAL COUNTS**

13   **COUNT I:           DISCRIMINATION—SECTION 504 OF THE**  
14                                   **REHABILITATION ACT (ALL DEFENDANTS)**

15   **46.** Plaintiffs incorporate by reference and realleges each preceding  
16       paragraph, as if fully set forth herein.

17   **47.** Ryder Thalheimer has a qualifying medical condition which  
18       constitutes a disability under Section 504 of the Rehabilitation Act.

19   **48.** Ryder Thalheimer was entitled to reasonable accommodations to  
20       enable him to fully enjoy the benefits of the services provided by  
21       TSA and the Yakima Air Terminal.

1     **49.** The TSA is a recipient of federal funds and is subject to the  
2           requirements of Section 504 of the Rehabilitation Act.

3     **50.** TSA screening is an activity conducted by an Executive Agency.

4     **51.** At all times relevant to this lawsuit, Defendant Cates-Wright was a  
5           TSA employee acting in her official capacity for the benefit and  
6           under the direction of the TSA.

7     **52.** As a result of Defendant Cates-Wright's actions, the TSA  
8           discriminated against Ryder and refused to provide a reasonable  
9           accommodation for his disability.

10    **53.** Those actions violated Section 504 of the Rehabilitation Act.

11    **54.** As a result of Defendants' unlawful conduct, Plaintiffs have suffered  
12       damages in an amount to be proven at trial

13    **COUNT II:        RETALIATION—SECTION 504 OF THE**  
14                       **REHABILITATION ACT (ALL DEFENDANTS)**

15    **55.** Plaintiffs incorporate by reference and realleges each preceding  
16       paragraph, as if fully set forth herein.

17    **56.** Ryder Thalheimer has a qualifying medical condition which  
18       constitutes a disability under Section 504 of the Rehabilitation Act.

19    **57.** Ryder Thalheimer was entitled to reasonable accommodations to  
20       enable him to fully enjoy the benefits of the services provided by  
21       TSA and the Yakima Air Terminal.

1     **58.** TSA is a recipient of federal funds and is subject to the requirements  
2     of Section 504 of the Rehabilitation Act.

3     **59.** TSA screening is an activity conducted by an Executive Agency.

4     **60.** At all times relevant to this lawsuit, Defendant Cates-Wright was a  
5     TSA employee acting in her official capacity for the benefit and  
6     under the direction of the TSA.

7     **61.** As a result of Defendant Cates-Wright's actions, the TSA retaliated  
8     against Ryder and refused to provide a reasonable accommodation  
9     for his disability, to wit: by performing the pat down in a manner  
10    designed to cause discomfort and public embarrassment of Ryder  
11    and Lori; by refusing to allow medically necessary materials  
12    through a checkpoint; and by falsifying directives from "Seattle."

13    **62.** Those actions violated Section 504 of the Rehabilitation Act to deny  
14    Ryder food during his travels.

15    **63.** As a result of Defendants' unlawful conduct, Plaintiffs have suffered  
16    damages in an amount to be proven at trial.

17    **COUNT III:     INTENTIONAL INFLICTION OF EMOTIONAL**  
18                   **DISTRESS (ALL DEFENDANTS)**

19    **64.** Plaintiffs incorporate by reference and realleges each preceding  
20    paragraph, as if fully set forth herein.

21    **65.** Defendant Cates-Wright and (through the doctrine of vicarious  
22

liability) the TSA unlawfully denied Ryder—a chronically disabled individual—reasonable accommodations which would have allowed him to eat during a full day of travel.

**66.** Defendants acted in an extreme or outrageous manner, or in a way designed to inflict severe emotional distress (or with reckless and/or knowing disregard for the likelihood that the same would result) on Ryder and Lori by, to wit: performing the pat down in a manner designed to cause discomfort and public embarrassment of Ryder and Lori; refusing to allow medically necessary materials through a checkpoint; and falsifying directives from “Seattle.”

**67.** Those actions caused Plaintiffs suffered severe emotional distress.

**68.** As a result of Defendants’ unlawful conduct, Plaintiffs have suffered damages in an amount to be proven at trial.

## **VI. RESERVATION OF RIGHTS**

**69.** Plaintiffs reserve the right to amend this Complaint by adding additional counts/causes of action, seeking joinder of unnamed parties, or any other action permitted by law or equity. This reservation of rights includes but is not limited to matters which arise during the course of discovery.

## **VII. PRAYER FOR RELIEF**

**WHEREFORE,** Plaintiffs ask the Court to:



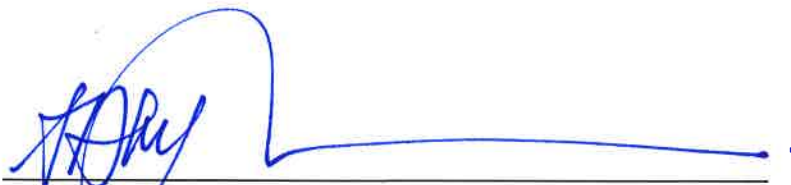
1 **70. ENTER JUDGMENT** in favor of Plaintiffs and against all  
2 Defendants, jointly and severally, for all actual, liquidated,  
3 economic, and non-economic damages suffered by Plaintiffs;

4 **71. AWARD** Plaintiffs pre-judgment interest, costs, fees, and  
5 disbursements in Plaintiffs' favor, in the maximum amount allowed  
6 by equity and law;

7 **72. AWARD** Plaintiffs their reasonable attorney fees, in the fullest  
8 amount allowed by statute, equity, and law, and permit them to  
9 recover the same from all Defendants, jointly and severally; and

10 **73. ORDER** further relief the Court deems just, equitable, or necessary.  
11

12 *Signed this day, November 14, 2022.*

13  
14 

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